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Committee on the Elimination of Racial Discrimination
Eighty-ninth session

Summary record of the 2433rd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 3 May 2016, at 10 a.m.

Chair: Mr. Calí Tzay

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined sixth to eighth periodic reports of Georgia (continued) (CERD/C/GEO/6-8 and CERD/C/GEO/Q/6-8)

1. *At the invitation of the Chair, the delegation of Georgia took places at the Committee table.*

2. **Mr. Beltadze** (Office of the Public Defender of Georgia) said that priority areas in the work of the Public Defender of Georgia included the effective protection of ethnic and religious minorities, the fight against all forms of discrimination and xenophobia and the fostering of civic integration. The coverage of the Law on the Elimination of All Forms of Discrimination extended to administrative bodies, natural persons and legal persons; the Law had also introduced the concept of direct and indirect discrimination and prohibited the incitement of discriminatory actions.

3. Despite its importance, however, there were some essential gaps in the Law. For example, unlike in the case of public agencies, private-law entities and individuals were required to provide information about hearings to the Public Defender. Proposed amendments to the Law had been submitted to Parliament by the Public Defender but had not yet been considered by the competent parliamentary committees. Failure to adopt the amendments would pose serious obstacles to the fight against discrimination and threaten the effective implementation of the Law.

4. Some minor positive steps had been taken regarding the protection of national minorities and the fostering of civic integration, such as the adoption of the State Strategy for Civic Equality and Integration and accompanying action plan for 2015-2020. Full engagement in civil and political life for ethnic minorities remained a challenge, however. National minorities were poorly represented in the central Government, though the situation was different at the local level in regions with large minority populations. Despite universal agreement on the need to create an effective system for providing information to national minorities, not much had changed in that regard.

5. The State had failed to respond adequately to acts of religious intolerance. Another challenge was the inability of ethnic Georgians residing in the Gali District to exercise their right to an education in their native language. Given that Abkhazia was still occupied by the Russian Federation, the latter was primarily responsible for that infringement of the right to education. Another significant challenge was the protection of the rights of the Roma, including their access to education, health care and social security.

6. The Public Defender had made repeated recommendations and proposals to government bodies to, inter alia, carry out awareness-raising campaigns on discrimination, develop a culture of religious tolerance, amend the unequal tax regime for religious groups, and develop effective mechanisms for informing national minorities about issues of importance to them. The Public Defender was of the view that implementation of those recommendations was necessary to ensure the effective implementation of the Convention.

7. **Ms. Zaalishvili** (Georgia) said that the correct collective term for all the persons forced into exile during the 1940s was "Muslim Meskhetians", not "Meskhetian Turks", as the latter term was too narrow and did not encompass all the different ethnic groups affected.

8. A draft action plan on the repatriation of such persons had been completed; it would be submitted to various experts for their comments and approval and would then be submitted to the Government. Under that action plan, the Ministry of Internally Displaced

Persons from the Occupied Territories, Accommodation and Refugees would identify the needs of returnees and the resources available to meet those needs. Integration measures such as simplified procedures for the importation of goods and the financing of entrepreneurial endeavours by returnees would be carried out. Returnees would be guaranteed access to information, housing and education, including access to Georgian language courses. They would also be eligible for simplified procedures to acquire Georgian citizenship.

9. A number of conferences, workshops and other awareness-raising activities had been conducted in cooperation with NGOs to highlight the situation of the returnees. Under the draft action plan, further activities were planned both to raise awareness among the general population and to inform the returnees about their legal situation and the integration programmes available to them.

10. The "Council of Elders" established in 2011 reviewed applications for forcibly displaced person status only in cases where applicants did not hold documents proving their displacement. Muslim Meskhetians had been given more than two years to apply for such status, and the Government had twice extended the application deadline. The individuals mentioned at the previous meeting who had been denied repatriation had migrated from Georgia in 1934 of their own free will. They were therefore not covered by the relevant law, which dealt only with persons forcibly deported from the Soviet Socialist Republic of Georgia in the 1940s.

11. A total of 494 such persons had applied for Georgian citizenship before the deadline of 1 January 2010, and all of those applications had been accepted. In order for those persons to acquire Georgian citizenship, they must renounce citizenship of their current country of residence. The governments of those countries of residence were solely responsible for establishing procedures for the renunciation of citizenship, and the authorities of Georgia would not interfere in that process.

12. **Mr. Giorgadze** (Georgia) said that the Law on the Legal Status of Foreigners and Stateless Persons, adopted in 2014, set out the rights and freedoms of foreigners, which were the same as those of Georgian citizens with the exception of the right to participate in political associations, elections and referendums. Non-discrimination was a fundamental principle of the State's migration policy, and any discrimination or degrading treatment of foreigners was prohibited. The Law had also introduced the principle of non-refoulement into national legislation for the first time.

13. The Migration Strategy of Georgia 2016-2020 had been developed in cooperation with NGOs, international organizations and the Public Defender. The integration of migrants was one of the main principles of the strategy, which also provided for language and culture courses and vocational training for migrants. Detailed information about the budget allocations for implementation of the Strategy and the associated action plan were available online.

14. A special working group had been established in 2016 to coordinate efforts to integrate migrants. The working group had been tasked with preparing recommendations and legislative proposals on the issue. It was chaired by the Minister of Labour, Health and Social Affairs and included representatives of several other ministries and NGOs. For the first time in the country's history, a special budget had been allocated for that work in the amount of 250,000 lari.

15. The number of countries whose nationals needed a visa to enter Georgia had not changed with the adoption of the Law on the Legal Status of Foreigners and Stateless Persons. In fact, the Law had introduced simplified procedures in the form of an electronic visa. Since 2012, a total of 2,332 nationals of African countries had entered Georgia legally.

16. Georgia was one of few States that was a party to both the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. There were currently 523 stateless persons living in Georgia. That number had dropped significantly since 2011, when it had stood at 1,958. Stateless persons were entitled to free legal aid on an equal footing with all other persons under the State's jurisdiction. Reforms introduced in 2014 had provided for various mechanisms to reduce and prevent statelessness. For example, a person could be denied Georgian citizenship only if it was guaranteed that he or she would be granted citizenship by another State, and abandoned infants were automatically recognized as Georgian citizens, as were children born to parents who were both stateless.

17. A State action plan to reduce statelessness was currently being developed on the basis of a legal framework that facilitated naturalization. Under ordinary citizenship procedures, applicants must have resided in Georgia for five years, have a good knowledge of the country's language, history and legal system, and possess property or be employed or engaged in entrepreneurial activities in Georgia. Under the simplified procedure, which was available to persons married to a Georgian citizen, the residency requirement was reduced to two years and the property and employment requirements were waived.

18. **Ms. Zaalishvili** (Georgia) said that, under legislative reforms introduced in 2015, asylum seekers could not be penalized for their illegal entry into or presence in the country. Integration programmes were in place for asylum seekers, refugees and persons granted humanitarian status; they were entitled to health care and had access to both preschool education and general education, as well as special language courses. They would also have access to funding for vocational training under a memorandum of understanding signed in 2016 between the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees and the Ministry of Education and Science. Furthermore, they benefited from free legal aid, simplified naturalization procedures, financial allowances and an integration strategy.

19. Asylum seekers were either housed in reception centres or provided with housing benefits. In the light of the recent amendment of article 25 of the Law on Refugee and Humanitarian Status, the national authorities must indicate the grounds for the rejection of asylum applications, ensuring a balance between protection of the rights of asylum seekers and national security. Asylum seekers were informed of those grounds in their mother tongues and could lodge appeals in that regard. The courts and the Public Defender of Georgia could access information held by State security agencies on the application process. Georgia had fully implemented the recommendations on asylum issues made by the European Union as a part of the Action Plan on Visa Liberalization. The draft law on international protection had been developed in close cooperation with the Office of the United Nations High Commissioner for Refugees, was designed to replace the Law on Refugee and Humanitarian Status, introduced the additional category of "temporary protection status holder" and contained provisions on family reunification.

20. During the period 2014-2016, the State party had received 91 asylum seekers from Egypt and 32 from Côte d'Ivoire.

21. **Mr. Giorgadze** (Georgia) said that, although the Constitution did not make any provision for dual citizenship, it could be granted by the President of Georgia under exceptional circumstances.

22. **Ms. Kvirikashvili** (Georgia) said that trainee and serving police officials and public prosecutors received training on discrimination-related issues. Since 2010, five seminars had been held on tolerance and minority cultures. During the period 2014-2015, approximately 200 public prosecutors and police and detention centre officials had received

training on the prohibition of discrimination and related official written material had been updated and brought into line with recent legislation in that field.

23. In 2015, the Ministry of Internal Affairs had designed a year-long Georgian language programme for members of ethnic minorities. Since 2007, 305 Azerbaijani and Armenian police and border officials had been taught Georgian. In 2015, a number of anti-discrimination awareness-raising programmes for staff of the Chief Prosecutor's Office had been carried out by representatives of the Public Defender of Georgia. The Chief Prosecutor's Office and the Office for Democratic Institutions and Human Rights had signed a memorandum of understanding on the implementation of a training programme on hate crimes. A Council of Europe e-learning platform was currently being used to deliver a three-month anti-discrimination course to a group of 20 public prosecutors and investigators.

24. Training was being provided to police officials on cybercrime, with the support of the Council of Europe and the embassy of the United States of America.

25. Under amendments to the Criminal Code introduced in 2012, discriminatory actions based on race, religion, nationality or ethnic origin were defined as aggravating circumstances in relation to certain offences. The Ministry of Internal Affairs had adopted updated guidelines to ensure the prompt investigation of offences involving discrimination. The Chief Prosecutor's Office had recently issued recommendations on the implementation of Criminal Code provisions relating to the investigation of hate crimes and the collection of evidence, which had been examined by the Council of Europe. In 2015, three individuals had been prosecuted for offences of racial intolerance. Investigations into a number of cases of religious intolerance targeting the Muslim community were ongoing. Public incitement to violence on the grounds of religious belief or ethnic origin had been criminalized. Georgian, Russian and Azeri-language materials would be published and disseminated on the issue of early marriage and related criminal legislation.

26. **Ms. Kvatchadze** (Georgia) said that Georgian judges hearing cases of discrimination referred to the relevant international instruments, national legislation and European Court of Human Rights case law. Working with a number of NGOs and the Council of Europe, the High School of Justice delivered training modules on article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocol No. 12 to that instrument to justice system actors. The Constitutional Court of Georgia heard cases of racial discrimination. The national courts closely followed cases of discrimination heard by the European Court of Human Rights. A round table on the prohibition of discrimination and its definition in domestic law had recently been held and had been attended by representatives of the Supreme Court and experts from the Council of Europe. As a result of the introduction of new anti-discrimination legislation, the number of civil and administrative cases concerning discrimination on the grounds of religion had increased.

27. Under article 34 of the Organic Law on General Courts of Georgia, candidates for selection as judges must be at least 30 years of age, hold a master's degree, have at least five years' experience in the legal field, speak Georgian, have passed the judges' examination, have completed the relevant High School of Justice training course and be registered on the justice trainee qualifications list. Under article 26 of the Law, district court and court of appeal judges were appointed for a term of three years, upon expiry of which they could be confirmed in the post for an indefinite period following assessment of their performance in office. There were currently 16 judges at the level of the Supreme Court, 252 at other levels and a further 116 completing their probationary period. When filling in their applications, prospective judges were required to indicate their citizenship but not their national or ethnic origin.

28. **Ms. Ghogheliani** (Georgia) said that there was no internationally recognized definition of the term "national minority". The Framework Convention for the Protection of National Minorities took into account national practice and context in that regard. All persons resident in Georgia who held Georgian citizenship and participated in the national development process were Georgian by nationality. However, they might also belong to various ethnic groups. Ethnic minorities were groups made up of Georgian citizens who differed from the majority of the national population in terms of language, culture and ethnic identity, had lived for a long period of time in the national territory and resided in compact settlements or were dispersed across the country.

29. **Ms. Jaliashvili** (Georgia) said that, in 2015, the State Agency on Religious Issues had set up a council made up of representatives of all religious communities with a presence in Georgia to discuss issues relating to religion. Under a national action plan on the protection of human rights, during the period covered by Georgia's report to the Committee, workshops for 120 local level public officials had been held across the country on a number of issues, including xenophobia, secularism, discrimination on the grounds of religious belief, tolerance and religious neutrality and freedom. Guidelines for public officials on secularism and religious neutrality would be published in the near future. Cooperation agreements had been signed between the Agency and a number of higher education institutions relating to efforts to promote a culture of tolerance among young persons, including through the involvement of academics and representatives of religious groups. Tax regulations would be amended to ensure that all legally registered religious organizations were exempt from paying income tax and value added tax on an equal footing with the Patriarchate of Georgia.

30. **Ms. Vardzelashvili** (Georgia) said that the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees had undertaken the registration of internally displaced persons (IDPs) in order to better address their housing needs. Between 2013 and 2014, more than 250,000 IDPs across the country had been registered. The Ministry had provided 30 per cent of all registered IDP families with durable housing solutions but more than 50,000 families were still in need of housing. A decree issued by the Ministry in 2013 stipulated that housing units provided to IDPs should remain the private property of such persons even after they returned to their places of origin. Ensuring the private ownership of housing units for IDPs was considered a priority for their integration. Consequently, more than 10,000 IDP families in total had been granted private ownership of housing units.

31. Moreover, the Ministry was responsible for carrying out construction and restoration work on housing: in 2015, more than 1,000 apartments purchased by the Ministry from construction companies had been provided to IDP families in both Tbilisi and other regions of the country. The Ministry also purchased apartments from private landlords. In 2015, a pilot mortgage loan repayment project had been initiated. Almost 50 applicants had received a partial mortgage loan in 2015 and the project was continuing. The Ministry sought to support the settlement of IDPs in rural areas and had implemented certain rural housing programmes for that purpose. In 2014-2015, the Ministry had purchased more than 700 rural housing units. In addition to housing, IDPs living in rural areas were able to use land for arable farming as a means of self-sufficiency.

32. The Ministry intended to close down temporary IDP housing units. There were 97 registered units in Georgia. Since 2012, almost 40 units had been closed down and more than 700 families had been provided with alternative durable housing solutions. The Ministry hoped to close all registered units in Tbilisi by the end of 2016.

33. **Mr. Giorgadze** (Georgia), referring to the prohibition of organizations that promoted racial discrimination, said that legal entities could be classified on the basis of whether they were public or private organizations. All legal entities had to be registered

with the authorities and under the registration procedure non-profit private-law entities were required to submit information regarding the purpose of their activities. Registration could be refused if the entity intended to pursue illicit activities.

34. In accordance with article 4 of the Organic Law on Suspension and Prohibition of Activity of Public Unions, a court could outlaw any organization that threatened the constitutional order, independence and territorial integrity of Georgia, or incited racial hatred. Under the Criminal Code, any violation of human equality and any act of racial discrimination, as defined by the law, was punishable. Furthermore, the Criminal Code stipulated that any legal entity violating the provisions of the Code could be subject to a fine or the termination of its activities.

35. **Ms. Crickley** (Country Rapporteur) said that she would like to know when the amendments submitted by the Public Defender to the 2014 Law on the Elimination of All Forms of Discrimination would be approved and implemented. She asked whether ethnic minorities were able to receive news of current affairs in their own language through the media; whether plans had been made to protect the small Roma community in Georgia; when exactly the State Strategy for Repatriation of Forcibly Displaced Persons would be actively implemented; whether the State party would authorize its nationals to have dual citizenship in order to maintain a sense of identity, particularly for those living in disputed territories; whether Georgia would consider allowing foreigners to vote after a certain period of residence; how anti-discrimination legislation was being implemented by the labour inspectorate to promote the employment of ethnic minorities in the Pankisi valley; and whether the provisions in place to prevent early marriage and domestic violence were being implemented in a sensitive manner.

36. **Ms. Ghogheliani** (Georgia) said that the Public Broadcaster was fulfilling its obligation to reflect ethnic, cultural, religious and linguistic diversity in the television programmes it aired. The civic integration strategy emphasized the need to improve access to the media for minority groups. Television news broadcasts were aired daily at prime time in five minority languages: Abkhaz, Ossetian, Armenian, Azeri and Russian. A television programme that focused on national and international developments for Russian-speaking ethnic minorities had started airing in 2014. A weekly talk show on national minority issues had been broadcast regularly until October 2015 and a contract to continue the programme was currently being negotiated. A documentary series on the history of minority ethnic groups had aired in 2014. Current affairs programmes in five minority languages were broadcast daily on the radio and once a week in Kurdish. Newspapers published in Armenian and Azeri were distributed in regions of compact settlement, as well as in a number of cities across Georgia.

37. The Government was continuing the process of registering Roma which had begun in 2010. The Ministry of Justice held consultations with members of the Roma community and had registered 275 of them. Efforts were made to ensure that such registered Roma had the appropriate legal status and access to free legal aid. Steps were being taken to promote the education of Roma children within public schools. The socioeconomic integration of the Roma community was a topic being discussed within the State Interagency Commission. Non-governmental organizations and representatives from the Roma community needed to be involved in such discussions.

38. **Ms. Jaliashvili** (Georgia) said that the package of amendments submitted by the Public Defender had not been supported by the Parliament. The Government did not at present have any information regarding whether the Office of the Public Defender would resubmit the package to Parliament for renewed consideration.

39. A labour inspectorate had not existed in Georgia since 2006. During the Soviet era, the Labour Inspectorate had been one of the most corrupt institutions in Georgia and a

decision had consequently been made to abolish it. However, a project had been launched in 2015 to establish a labour department under the Ministry of Labour, Health and Social Affairs. The department had trained 25 labour inspectors in collaboration with the International Labour Organization (ILO). The labour department also worked on issues of mediation and on promoting the link between human rights and business. However, more time, human resources and financial support were needed to ensure the effective operation of the department.

40. The Prime Minister of Georgia employed an assistant on human rights and gender equality issues. The assistant also chaired the inter-agency council on domestic violence. The council collaborated with a consultancy group composed of non-governmental organizations and international organizations promoting gender equality, such as UN-Women. A special task force had also been established to tackle the issue of early marriage which was a serious problem in the region of Georgia that bordered Azerbaijan. Education and awareness-raising were of paramount importance in efforts to prevent early marriage but more time was needed to change the current situation.

41. **Ms. Dah** said that she would appreciate information on the obstacles to the success of bilingual education in Georgia. Although minority groups were well represented at local levels, that was not the case nationally. Bilingual education would act as a means of ensuring the participation of minority groups at the national level. She asked whether the State party had given any further consideration to ratifying the amendment to article 8 of the Convention.

42. She commended Georgia on being the only country to have brought a case before the International Court of Justice regarding another country's non-compliance with the Convention.

43. **Ms. McDougall** said that she would like to know which categories of the population were not covered by the State party's definition of national minorities and what consequences such persons faced for being excluded from the definition. She would also appreciate statistics on the countries of origin of persons of African descent residing in Georgia, and an explanation as to why the investigations conducted into hate crimes against Muslims in 2012-2014 had not resulted in any convictions. With regard to the representation of minority groups in political bodies, she asked whether there was universal suffrage in Georgia, whether proportional representation was used in the electoral system, and whether Georgia had considered best practices in Europe to address the issue of public participation for minority groups.

44. **Ms. Kvirikashvili** (Georgia) said that the delegation would provide further information in writing on the situation of religious minorities and prosecutions for religious intolerance, for example with regard to Jehovah's Witnesses. Incidents of intolerance against the Muslim community were being investigated and appropriate action would be taken once the investigation was completed.

45. **Mr. Beltadze** (Office of the Public Defender of Georgia) said that there had in fact been prosecutions and convictions for religious intolerance against Jehovah's Witnesses. His Office remained concerned, however, at the lack of investigation of acts of intolerance against the Muslim community in the period 2012-2015, many of which probably warranted criminal prosecution. That situation must be remedied; the best way to encourage victims to come forward and prevent the recurrence of acts of intolerance was to ensure effective investigation of incidents and appropriate punishment of those responsible.

46. **Mr. Giorgadze** (Georgia) said that more than 30 community information centres had been opened nationwide to advise on public services available to local populations, including in occupied areas. The centres had meeting rooms, a library and free Internet and

served as contact points for engagement with youth and the community. No political activities were allowed in the centres.

47. With regard to the ability of foreigners to participate in elections, he said that restrictions in that regard were set out in the Constitution and were generally in line with international practice. He stressed that the new Law on the Legal Status of Foreigners and Stateless Persons included provisions on protection of the social and human rights of those persons. The delegation would provide the Committee with statistical information on persons of African descent, including their numbers, origin and types of residence permit. Most persons of African descent had come to Georgia for studies or employment.

48. **Ms. Totladze** (Georgia) said that her Government was considering ratification of the amendment to article 8 of the Convention. Her Government was of the opinion that the Russian Federation had breached the Convention by virtue of its practices in the Russian-occupied Georgian territories and had brought a complaint to that effect before the International Court of Justice under article 22 of the Convention. However, the Court had found that the complaint was inadmissible since Georgia had not satisfied the procedural preconditions for seisin of the Court. Georgia was currently still pursuing the matter with the Russian Federation at the diplomatic level with a view to reaching a settlement.

49. **Ms. Jokhadze** (Georgia) recalled that the State party had many ethnic minorities scattered across its entire territory. It was therefore essential to identify which groups most needed bilingual education. Minorities in major cities or in a predominantly Georgian-language environment generally spoke Georgian and were well integrated. More isolated areas or areas with a significant minority population required more State support. They must be provided with an educational and social environment that promoted use of the national language.

50. The Ministry of Education and Science provided classes in Georgian up to the end of the secondary cycle and offered special courses in the Georgian language, free of charge, to local government officials, major institutions, school administrators and educational establishments. Courses in English and other subjects, such as management or information technology, were also available free of charge. Every effort was made to promote use of the national language in learning for all ethnic minorities in the school system; instructors also travelled to small villages to teach Georgian to their inhabitants and had provided classes to more than 3,000 persons. The Ministry of Education and Science had prepared a draft plan for bilingual education, including appropriate teaching methods that would ensure the provision of bilingual education for minorities from preschool to higher education.

51. With regard to early marriage and education, she said that the issue was raised in the compulsory curriculum for both public and private schools in the context of discussion of human rights, the rights of the child and respect for culture and diversity. The effects of early marriage on health could be discussed in biology classes and programmes were available to teach the importance of a healthy lifestyle and reproductive health. Teachers received training on early marriage and how to deal with the students concerned and outreach activities were organized with parents, especially in communities where early marriage was common, to increase awareness of the need to eliminate that practice.

52. **Mr. Kut** said that the Committee continued to receive reports of racist discourse at the political level and in the media and he wondered if the State party was truly trying to combat that phenomenon and whether the existing laws were even applied. Furthermore, recalling the Committee's previous concluding observations and its recommendation concerning action to meet the needs and facilitate the repatriation of the Meskhetian Turk community, including compensation for loss of property, he again enquired whether the State party was truly committed to moving forward and assisting that minority.

53. **Mr. Murillo-Martínez** said that he looked forward to receiving more information on efforts to increase the political participation of minorities at the national level, to combat racist and xenophobic discourse in politics and to implement the Criminal Code provisions relating to racial discrimination. More information would also be welcome on training provided to law enforcement personnel and youth on sensitivity to religious minorities and to what extent the State party tried to combat the growing phenomenon of racism on the Internet. He also asked whether the State party had signed the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

54. **Ms. Zaalishvili** (Georgia) said that a new strategy and action plan for the repatriation of forcibly displaced persons would be adopted at the next session of Parliament and enter into force immediately thereafter. The plan provided for an evaluation of the needs of the repatriated and measures to ensure their integration while respecting their right to maintain their culture, for example through educational programmes. Indicators for success would be identified and monitored. Persons of all ages would be provided with training in the Georgian language, including at all levels of the education system. Job-seekers would have access to government information about employment opportunities and to job counselling. Funds would be made available to help entrepreneurs. Every effort would be made to ensure the integration of young people.

55. The procedures for repatriates to acquire Georgian citizenship had been simplified. She noted that a Council of Elders had been established to assist in assessing the status of candidates for repatriation who did not have the appropriate documents. With regard to compensation for loss of property at the time of deportation, however, she said that Georgia was not responsible for losses incurred before it had achieved independence; that responsibility belonged to the successor state of the Union of Soviet Socialist Republics.

56. **Mr. Giviashvili** (Georgia) said that, while there might be some isolated incidents of racism or hate speech at the political level or in the media, that was not typical of the mainstream political parties and press. Mindful of the need to protect the right to freedom of speech, the State party would work with the Committee to prevent and prosecute abuses of that right and would provide whatever information was available on that issue to the Committee.

57. **Mr. Avtonomov** said that the Meskhetian Turks should have the right to self-identification as a separate ethnic community. He also urged the State party to ratify the amendment to article 8 of the Convention.

58. **Mr. Yeung Sik Yuen** expressed concern that judges had to endure a three-year probationary period before being confirmed in office, which might have a negative effect on their independence. He noted that 116 of 252 current judges were on probationary appointment, a rather high figure, and asked how many judges had been confirmed in their positions over the past five years.

59. **Mr. Marugán** said that the incitement of acts of violence had been criminalized under the reform of the Criminal Code in 2015, yet article 142-1 of the Code likewise criminalized racial discrimination, including incitement of racial hatred. He wondered how those provisions differed and how they were implemented and asked for statistics on any investigations or prosecutions. Information would also be welcome on racist discourse on the Internet and efforts to combat that phenomenon. Since racial discrimination was often practised in the area of employment, he asked for more information on the employment situation of minorities, including in the occupied territories.

60. **Mr. Bossuyt**, noting the informative report prepared by the Office of the Public Defender, congratulated the State party on its support for that Office. He welcomed the information provided by the delegation on the status of foreigners and minorities,

discrimination against Muslims, the situation in South Ossetia and Abkhazia and the unfair special tax status of the Orthodox Church. He did not, however, agree with the Public Defender that there should be some sort of obligation in law for individuals to report incidents of racial discrimination; that would be going too far and in any case would be impossible to enforce.

61. **Ms. Crickley** (Country Rapporteur) thanked the delegation for its openness and engagement with the Committee and urged it to participate fully in the follow-up procedure to the Committee's consideration of its report. She recalled that the Committee's mandate was a broad one and included issues of racial discrimination affecting any person or group, including non-citizens, migrants and asylum seekers. She underscored the importance of effective implementation of the Convention through the development and application in practice of detailed plans, targets and strategies, coupled with mechanisms to evaluate and measure the effects of those plans. It was also important to ensure the active participation of minorities in decision-making processes, in particular with regard to policies that directly affected them.

62. The Committee's forthcoming concluding observations would serve as a guide for further progress towards the elimination of racial discrimination in the State party and should be implemented with a sense of urgency given the possibility of elections being held later in the year.

63. **Ms. Totladze** (Georgia) said that her delegation had welcomed the opportunity to hold a frank dialogue with the Committee. Noting the contribution made by civil society organizations and the Office of the Public Defender, she expressed the hope that more civil society representatives would be present for the Committee's consideration of the next Georgian report. Her delegation would provide additional information in writing to complete its responses to the Committee's questions. Her Government would continue its efforts to implement the Convention and the Committee's recommendations in cooperation with all stakeholders.

64. **The Chair** thanked the delegation of Georgia for its frank and open dialogue with the Committee.

The meeting rose at 12.55 p.m.